Bill to amend the Cochin Chief Court Regulation.

President.—The next item of business is the motion by Mr. C. A. Kunjunni Raja for the consideration of the Bill to amend the Cochin Chief Court Regulation.

Mr. C. A. Kunjunni Raja.—I move that the Bill to amend the Cochin Chief Court Regulation be taken up for consideration.

Mr. T. A. Ramachandra Ayyar.—I second it.

President.—We shall discuss the principles of the Bill. Don't you wish to have a speech, Mr. Kunjunni Raja?

Mr. C. A. Kunjunni Raja.—The principle has been already discussed at the time of the introduction.

President.—This is the stage where we are to discuss the principles of the Bill.

Mr. C. A. Kunjunni Raja.—The time of the introduction is over.

President.—This is consideration. Leave was given to introduce and it was introduced but we did not proceed with it.

Mr. T. K. Krishna Menon.—On the last occasion there was some question about the irregularity.

President.—The mover had the opportunity to discuss the principles of the Bill.

Any Member wishing to speak in connection with this Bill?

Mr. V. D. Ouseph.—I beg to oppose this Bill. This Bill has been pending consideration for a long time, and much has been said about it in this as well as in the last Council. Mr. Raja in introducing this Bill says that no person should be a gainer by reason of his religion. That is the main, if not the only reason that is said to have prompted him to come forward with this Bill. If such a thing had proceeded from any other Member of this House, there would have been some meaning in it. Of course, no body can deny the fact that, but for the existence of this statutory provision, no Christian Judge would ever have graced the Chief Court Bench. It would, on the other hand, have been the sole monopoly of communities that have already secured for themselves all privileges in the State. It was during the illustrious reign of His Highness, the Ex-Maharaja, with Sir Rajagopalachari as his Diwan, that the present Chief Court Regulation was passed. I do not think that we can ever find a better combination of high statesmanship than during that period. They thought it absolutely necessary to provide for a Christian Judgeship in the Regulation itself, for protecting and safe-guarding the interests of a community

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which represents more than 28 per cent of the population of the State. The Christian representation in the highest judiciary in the land is a right or privilege enjoyed by us even before the present Chief Court Regulation was passed, and I am sure nobody can complain that efficiency of the Bench was affected or that justice in the land suffered on account of there having been a Christian Judge in the Chief Court. But for this statutory provision, I need hardly say, all the Judges would have been from the so-called privileged communities. It is asked why there should be a provision in the Regulation and would not an understanding to that effect on the part of the Government suffice. From our experience we know that even most solemn promises made by Government even in this House are not always carried out, and to leave a matter of such vital importance to the tender mercies of the Government would not be a wise policy. Hence was the need for a legislative measure.

Communities may be divided into two classes, namely, those that may be called politically depressed, and those who possess all political power with them. All communities except some well-known sections of caste-Hindus stand more or less on the same footing, and if we take all these politically depressed communities together, we shall find that, by way of special privilege, there is only this one solitary provision that exists in their favour whereas, in the case of the privileged communities, such things are too many to be enumerated here. Others, also, belonging to the politically depressed classes are trying, we know, to have similar provisions made for them in the statute book, and we shall on our part be only very glad if they succeed. So long as the provision in question has not done any harm to anybody and so long as justice in the land does not in any way suffer thereby; there can be no justification at all for this most salutory provision being removed from the Regulation.

With these few words I oppose the Bill.

മിസ്റ്റർ ഔസേപ്പച്ചി. കുണ്ടുകുളം.—ഈ ബില്ലിന്റെ ആദ്യവാചകം തന്നെ എന്തോ ഒരുമതസ്സ്ഥരെ തെളിയിക്കുന്നു.

ഇതു കണ്ടാൽ ഓരോ വർഗ്ഗക്കാർക്കും അന്യോന്യം വിരോധം വരത്തക്കവണ്ണം ഈ ഗവമ്മെണ്ടു യാതൊരു ഏർപ്പാടും ഇതിനുമുമ്പു ചെയ്തിട്ടേ ഇല്ലെന്നും ഈ ഒരൊറ്റ നിയമംകൂടി എടുത്തുകളഞ്ഞാൽ നമ്മുടെ ഗവമ്മെണ്ടു മതസ്സ്ഥർകളായി ചെയ്യുവരുന്ന എല്ലാനിയമങ്ങളും തീർന്നു എല്ലാം പൂർത്തിയായെന്നാണ് ഭാവമെന്നു തോന്നുന്നു. ഇപ്പോൾ ഇതു എവിടെനിന്നുകിട്ടി ആവൊ? ഇതുവരെ റോഡ്, സ്കൂൾസ്, ഭ്രഷണടൈറ്റിൽ മുതലായ സംഗതികളിൽ ഓരോന്നു ഓരോരുത്തർക്കുള്ളതാണ്, അതിനു വ്യത്യാസംവരാൻ പാടില്ല എന്നൊക്കെ ഇവിടെ ശഠിക്കുകയുണ്ടായി. ഈ

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സംഗതിയാണെങ്കിൽ പഴമക്കാലം മുതല്ക്കുനടന്നുവന്നിട്ടുള്ള ഒരാചാരമാണ്. ഗവമ്മെണ്ടിൽനിന്നു പഴമക്കാലം മുതല്ക്കുതന്നെ അനുഷ്ഠിച്ചുവരുന്ന ഒരു നയമാണ്. ഇപ്പോൾ ഇതുനിലവിലിരിക്കുന്നതു റിളിജിയസ് ഫീലിങ്ങ്സിനു കുറെ ചോരായ്മയാണെന്നുള്ള ഭാവമാണ് ഇവിടെക്കാണുന്നതു്.

മിസ്റ്റർ സി. എ. കുഞ്ഞുണ്ണിരാജാ.—ഫ ഠ വ ഢ -ലെ ഒറ്റുലേഷനിൽ ആ വാചകമില്ല.

മിസ്റ്റർ ഔസേപ്പ് പി. കുണ്ടുകുളം.—പഴമക്കാലം മുതല്ക്കുതന്നെ ആചരിച്ചുവന്നിരുന്ന എന്നാണ് എന്റെ സൂക്ഷ്മം. നിശ്ചയമായും അതു ഒഴിഞ്ഞ ഒരുകാലം കാണുകയില്ല. ഈ പ്രമേയം കണ്ടാൽ എന്തൊ ക്രസ്ത്യാനിമതത്തോടു ഒരു പ്രത്യേക വിരോധം ഉള്ളതുപോലെ കൂടി തോന്നിപ്പോകുന്നു. ഒരു ക്രസ്ത്യാനി ജഡ്ജിയായിരുന്നിട്ടു എന്തു ന്യൂനതയാണ് ഉണ്ടായിട്ടുള്ളതു്? ഒന്നുംകണ്ടുപിടിക്കുവാൻ കിട്ടുകയില്ല. ഡിപ്രസ്സ് ക്ലാസ്സിൽ ഉള്ള പ്രജകൾക്കുകൂടി പ്രത്യേകചില അനുഗ്രഹങ്ങൾ ഗവമ്മെണ്ടു ചെയ്യുന്നു. ക്രസ്ത്യാനികൾക്കു ഒന്നേഒന്നുമാത്രമായി കിട്ടിയിട്ടുള്ള ഈ അവകാശത്തെ കളഞ്ഞു അവരെ ഉപദ്രവിക്കണം എന്നുള്ള ഉദ്ദേശത്തോടുകൂടി കൊണ്ടുവന്നിട്ടുള്ള ഈ ബിൽ ഗവമ്മെണ്ടിൽനിന്നു ഒരിക്കലും സ്വീകരിക്കരുതു. യാതൊരു ദോഷവും ഇല്ലാത്തതായ ഈ പഴയനിയമത്തെ മാറ്റേണ്ട ആവശ്യമൊന്നുമില്ലെന്നു ഞാൻ ബലമായി പറഞ്ഞുകൊള്ളുന്നു.

Mr. Thomas Manjuran.—Sir, I am very sorry indeed to be obliged to rise to oppose this motion which is brought under the colourable pretext of attempting to restore equalities of opportunities in the State. I can only say I am extremely sorry that this communal question is introduced by an Hon'ble Member who is sent out to this House merely because he is a member of a privileged class. He is here as a Jenmi, and I am sure he would never have been here otherwise. I am sure the reactionary Bill my Hon'ble friend introduced as regards the Jenmi-Tenancy question and this Bill itself would have shut him off from this Council for ever and for ever, but for the accident that he was born a Jenmi and the benign Cochin Government was kind enough to give the Jenmies a special seat in the Council. May I know how the presence of a Christian Judge, in pursuance of the Regulation, in the Chief Court is objectionable to him who represents only about zero zero five per cent of the population of the State. How very objectionable is his presence here to the 28 per cent of His Highness' subjects whose one solitary right he attempts to take away from them? I cannot bring in a Bill, unfortunately, to remove him, and my friend knows that, if he knows the statutory provisions

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of this Council." If I could do it, I would have done it, if only to get rid of, and safeguard this Council from the inroads of, reactionary gentlemen like him. Does this Bill come at all with any grace from the mouth of the representative of a *privileged* class, who is here merely because he is such a representative, this Bill denouncing the solitary privilege of 28 per cent of His Highness' subjects? What is the sin that a Christian Judge has done in the Cochin Chief Court? Has he been such an atrocious eyesore that the Jenmi Member should come and move for his removal?

Mr. C. A. Kunjunni Raja.—And the other Judges?

Mr. Thomas Manjuran.—We never came to remove the other Judges. We never came to remove even you, Sir.

Now the point is this. I can understand when, out of all proportion to the 28 per cent of the population, the Christians have so swarmed up the official tree that nobody else has ever a chance of getting up there, when such a state of affairs exists. I can understand some one saying that there is no occasion to reserve a place for a Christian Judge in the Chief Court Bench. Now look at the statistics, though I am not putting this matter on an economical basis. I shall have something else to say on the real basis later on. Consider the statistics. They are sometimes useful. I find some statistics collected and given to this House by an Hon'ble Member during the course of the last Council. It is quoted in the Council Proceedings and I shall give you just a summary. On the question whether the Cochin State administration was crowded with Christian Government servants that it would be an anomaly to continue this provision, in the Cochin Chief Court Regulation, my Hon'ble predecessor gave these facts to the House. These figures are of 1101 and they hold pretty true to-day. Of the 597 appointments of over Rs. 50 a month, 480 appointments, that is, all but 117, were held by caste-Hindus drawing an aggregate salary of Rs. 5,84,000 and odd. Of these 234 appointments were held by Brahmins drawing 2,76,366 a year when they are only three per cent of the population. The Christians numbering about 21 per cent held 101 of the salary of 1,63,000 and odd. The Ezhuvas came for 12 appointments of an yearly salary of Rs. 12,550. Even that amount has seriously dwindled by the retirement of Mr. Ayyakkutty. The Muhammadans held three appointments of the value of Rs. 12,550 a year. I am sure it must have been halved by the going of Mr. Abdul Qadir. What do these figures show?

Mr. V. D. Ouseph.—They are the figures of 1101.

Mr. Thomas Manjuran.—They are very much worse to-day. Two months hence they will be infinitely worse. Even

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though we, Christians, are thus labouring without any encouragement, do we agitate seriously? Somebody here and somebody there may agitate. Do we, as a community, agitate for giving us more and more of the loaves of the service? We do not. Not because we do not know, but because we do not want to introduce an element of communalism into the affairs of the State. If good sense and an idea of responsibility prevents us from entering into rank communalism, why should this special representative of the Jenmies, whose seat is given him by a special law, as special a law as the law he wants to abolish, why should such a gentleman get encouragement when he attempts to introduce this sort of mischievous, partial, antiquated, reactionary legislation into this Council? Is it enough for one to shut his eyes to all the inter-communal facts and seek to introduce conditions existing in a Utopian State, when, as a matter of fact, there are these stirring inequalities staring us in the face, when the gentleman himself who speaks for the abolition of the inequality is here on account of an inequality? Does it at all come with any grace from him, I ask this House? However, I can easily understand his introducing this Bill. What better can we expect of the representative of a reactionary group, a representative who wanted to cut away from them all the rights of the poor tenants; take away from them the pittance that they have earned by the sweat of their brow; whose reactionary Bill, reactionary to the core, he himself had to withdraw; what better, I say, can we expect of this gentleman than this attempt to drive a wedge between communities? I am sure the communities would not be so foolish to foster communalism and to create disorder because he, finding he has nothing to gain from order, wants to create a condition of disorder. Every community in the State, every class of His Highness' subjects, is united to fight this ogre of Jenmi greed. He knows that. He knows he must introduce some subversive force which will set the various communities by the teeth before he can have his way. It is for that purpose, I presume, that he has introduced this communal Bill, and it would be a grave disaster to this Council and to the administration of the State, if any responsible Member of this House supports this attempt at rank communalism. I can understand even such a measure being attempted, if there is a real grievance. What is the grievance? Is it my Hon'ble friend's case that the Christian incumbents of the Chief Court Bench have been such disgraceful failures that it would be hopelessly bad and dangerous to repeat the experiment? Is that his case? If that is the case, there would be some justification. But I am sure even he will not dare to say that. I am sure some of the best Judges

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were and probably are Christians. I am proud to say that. If there is no great disaster awaiting this State by the non-abolition of this rule, what is the object, what is the reason, what is the justification for a Bill like this? None whatsoever, except it be the sinister, I must respectfully submit, the sinister object of driving a wedge between communities.

The Jenmi Member's attitude seems to be this. Here is a privilege given to the Christian community. What have the Ezhuvas or the Muhammadans or other non-Christians to do with it? Why not they all support me? Here indeed is a sugared bait. If this bait is swallowed, the cleavage between communities will be final. That seems to be the idea. The good sense of the House will clearly see through that and see that no bone of contention is left in this House.

I have just a few words more to say on this matter. It is common knowledge that, although the Christian community continued to exist in the State for the last 20 centuries, that community is ruled by, to say the least, an extraneous law. Nobody will say that Christian law is indigenous to Cochin. Christian law is introduced from occidental countries, and as such it certainly is not indigenous. Christian law, and various shades of it contain various provisions which can, no doubt, be understood by a Hindu Judge, but perhaps are much more easily understood and administered by a man who understands it as his own law. That might be the reason why, ever since the coming in of the British Government into this country, ever since the Treaty of 1809, there has been always a Christian Judge on the superior court of the State. I am subject to correction; though I have got figures here. I say and maintain that at least for the last century there has been always a Christian sitting in the highest tribunal of the State, nor was that an accident. As a matter of fact, the Christians of the State were, at one time, centuries ago, in the hour of need, in the hour of peril of the dynasty which so benevolently ruled us, the Christians of the State were found to be a rock of support. History teaches us that. That may not be the only reason why this legislation was introduced. But that matter also is relevant. It is also history, proved history, that a leading Christian family, which exists to this day, had to afford such personal protection to the then ruling Maharaja of the country, that in the absence of such protection there would have been, to say the least, great jeopardy for the life of that Maharaja, if not to the dynasty itself.

Mr. C. A. Kunjunni Raja.—Is this a consolation prize?

Mr. Thomas Manjuran.—Consolation prizes are reserved to the Jenmies. It may be a mere recognition of the meritorious services that the Christians rendered to the State. If it were

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so, I should not be ashamed, because it is only noble and princely to recognise service, to recognise meritorious service. If my forefathers were given a prize for services done to this dynasty, why should I be sorry? What are these *jenmom* tenures enjoyed by my Jenmi friend and his constituents? Were they not knocked away from the Government on some pretexts? These പട്ടാണ്ടം *padoms* and others were snatched under some pretext or other and enjoyed by the Jenmies ever since. Are these consolation prizes? Those who live in glass houses should not throw stones.

Just imagine one, from a fortress of prejudice, privilege, and, what should I say, reactionarism, introducing a Bill to take away the one right enjoyed by a community which is known to have rendered historic and meritorious service to the State. I do not say that I take this as a consolation prize. That community happens to have a set of laws, that community happens to have a set of traditions, that community happens to have a set of customs, and a set of usages which would certainly be better understood by a section of that community than by an outsider. I do not say that our learned and able Judges, who happen to be of other castes, will not be able to understand Christian laws. But every nationality has a certain outlook. Every community has a certain angle of vision. It may be because the Government thought that it would be an advantage, both to gain the confidence of this 28 per cent of its subjects and to safeguard their interests, to have a Christian officer presiding as a Judge of the Chief Court. What is there so very wrong there? Which is the Native State, please, without such a provision? It rankles in the ears of my Hon'ble friend for the Jenmies here. But how does it happen that such provision exists in every other Native State, wherever there are Christian subjects in fair numbers? Nobody ever thought it to be such a flaw in the constitution. Is this the only flaw that my learned friend could ever find? Does not his conduct clearly indicate the line which alone reactionary minds can take. Are there not to-day ever so many valuable offices preserved and enjoyed by the caste-Hindus? Need I mention names? This subject is the most unpleasant subject ever raised in this Council. To speak upon this matter is not of my seeking. I believe I have tried my level best to see that the subject does not crop up before this House, to avoid this unpleasant discussion. When once I am face to face with it, I shall be entirely failing in my duty, both to my constituency, to the public and to the Government also (*hear, hear*) if I do not say what I think. I say to the Government also because this Government should know, or, at any rate, ought to

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have known that, when this subject came up during the regime of Sir T. Vijayaraghavacharia as Diwan, there was such an agitation from one end of the State to the other, from one end of India to the other, that the veteran administrator had to drop the proposal like hot coals. I say, it is extremely regrettable, with that example of three or four years ago before them, that our Government did not find its way to condemn this Bill as coming under one of the clauses of the Regulation which says that a matter which is likely to raise public internecine agitation should not be brought before the Council. It is a great pity! So I say, I shall be doing a service, Sir, to the Government as well, if I raise my voice of protest.

Now, Sir, I am not one of those who think that a man is bad or good because he is born in a particular caste. I believe, and I think I believe rightly, that there are good and bad in every caste. I do not think, either, that our State is badly ruled because a good proportion of the rulers happen to be caste-Hindus. I think we are being ruled about as well as any Native State is being ruled. I have no quarrel with that. And if I find, Sir, that that ruling caste or the ruling members are countenancing such insidious attempts as this, I, like the rest of the Christians and non-caste-Hindus of Cochin, will have to revise that estimate. Because, if, as a matter of fact, Government ever gave a thought to the situation, it would not have allowed this Bill to come to this Council. I certainly enter my vehement protest against the allowing of this contentious and communal measure to come to this Council, to disturb and ruffle its otherwise even and quiet course.

President.—Does the Council Law prohibit this?

Mr. Thomas Manjuran.—Yes. It prohibits the introduction of measures which are likely to disturb the tranquillity of the State. (*Hear, hear.*) Your predecessor's records may be perused by you, Sir.

Mr. A. Sankara Menon.—It won't affect the tranquillity of the State.

Mr. Thomas Manjuran.—You may think otherwise. But, if you have had the patience to go through the records of the previous administrator or the one previous to that, you will find that there is no other subject in this State which is as likely to affect the tranquillity of the State as this. Take it from me, although I am young. Sir, are you aware that more than 8 or 9 hundred memorials and 4 or five hundred public meetings were held on the occasion referred to supra throughout the length and breadth of Cochin and the length and breadth of India from Simla to Cape Comorin? Do you think that, because the Christian population of the State is only 28%, they

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are so ignorant; they are so foolish, they are so resourceless as to take such a blow like that—such a left-hand blow like that-lying down? Sir, you are mistaken if you think so (*hear, hear*). May I ask you, Sir, when this point is raised by the Government Advocate, whether this provision was not introduced under compulsion when the Regulation was introduced? Did I not ask 7 or 8 questions on the matter, and did I not get a reply to the effect that they transgress certain rules? Did not at least that open your eyes and show that this is the result of a convention, this is the result of an agreement between the British Government and the Cochin State? Sir, I got that information from a man who knows. and I happen to have some of the materials which I will use as an eye-opener to you at the proper moment. You would not look into the matter. That only shows your attitude—I most respectfully say—Government's attitude, which I must deplore. But for the purpose of this debate, the international aspect will be a sealed book.

I might continue to say, Sir, that a Christian Judge was never a nuisance in this State. More than once a Christian Judge was not appointed, although a man was available, when a vacancy happened. Sir, it is common knowledge, that once even a Brahmin gentleman was appointed, in the teeth of this Regulation, to a Christian Judge's vacancy. Does the Christian so very badly desecrate the hallowed Chief Court Bench as to oblige the Government to convert a Brahmin into a Christian? Again, Sir, there are a hundred instances to be cited of preferences given to particular castes and creeds against the legitimate claims of other castes and creeds.

Mr. A. B. Salem.—To the total ignoring of other castes and creeds.

Mr. Thomas Manjuran.—Yes, he is right, though it is very unpleasant to say that. I am very sorry that this speech made me say even so much. It is entirely unpleasant. It is in this state of affairs, Sir, where nothing but inequality prevails, that this one little privilege of the Christians, this gentleman of privilege, who has come here by privilege, is attempting to take away! Never dream, Sir, that this will be taken away. Never will this insidious attempt be forgotten by the community to which I belong or by any community which is not caste-Hindu, this sneaking threat aimed at a non-ruling community. Never, Sir, shall we be able to forget this left-hand blow attempted against a quiet and loyal people, a blow which could have been scotched by the Government and should have been. The Christians consider it as a deft blow at the solitary privilege enjoyed by them. It was not enjoyed by them as a matter of

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preferment. As a matter of fact, every Christian Judge who sat in the Chief Court Bench has been to this day a non-Cochinite.

Dr. A. R. Menon.—That is objectionable.

Mr. Thomas Manjuran.—What is objectionable? How many non-Cochinites have you got in the service now here?

Dr. A. R. Menon.—I shall say that in my reply.

Mr. Thomas Manjuran.—I am not afraid of your reply. But I am sure that you will agree with me. When you think of the existing gross inequalities, when you think of the numerous preferences given to a particular community, when you find on top of all that this insidious attempt, you feel there is something like a conspiracy. If it is because the solitary Jenmi Member thought he could get such encouragement from some quarter or other, that he thought he could get this Bill through this House, then there must be something going on behind us. That is the idea that threatens us, that frightens us. I am sure, without some such encouragement, he would not have brought this Bill in. Who gave that encouragement, I should like to know.

Mr. V. V. Anantapadmanabha Ayyar.—The Member has exceeded his time.

Mr. K. P. Kannan Nayar.—I do not think there is any time-limit so far as this discussion is concerned.

Mr. Thomas Manjuran.—I shall take up only another 5 minutes more. If the President will allow it, I will go on.

Sir, it is strange to find that, in a Council consisting of the Hon'ble Member for Jenmies and his friends, gentlemen who have been agitating for and expecting Swaraj to come sooner or later (*hear, hear*), these gentlemen, fully aware of the existing facts here, attempt to take away from a non-ruling community the one privilege which it has been enjoying.

Dr. A. R. Menon.—It is implied that there is a ruling community here.

Mr. Thomas Manjuran.—You may think otherwise.

President.—Don't address each other as you, you.

Mr. Thomas Manjuran.—Opinions differ. I do not pretend to copy your opinions.

Now, my point is this. These are days, when, in India, all sorts of inequalities are attempted to be removed as a prelude to the introduction of Swaraj—a very welcome ideal. But is this the method? I ask is it exactly the method, to take away from a community, which is clearly seen not to be getting anything like its deserts, the few things that it possesses? Is

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that the method? Is it not blowing hot and cold in the same breath? Does it not show clear opportunism?

Mr. A. B. Salem.—We do not want Jenmies in the New India that is coming.

Mr. Thomas Manjuran.—Is it not a genuine, clear attempt, was it not an attempt, does it not continue to be an attempt to take advantage of an imaginary or real majority in this House to inflict this unholy Bill upon the country? I am sure, Sir, that this House will never countenance such an act which cannot be condemned enough in parliamentary language. In the guise of fair-play and equality of opportunity, we find this measure, this progeny of the citadel of reactionarism masquerading and trying to get round sensible people. This has a clear family resemblance to the Tenancy Bill which the Hon'ble Member for Jenmies was kind enough to walk away with from this Council. Such unholy measures deserve such ignominious end.

I shall conclude, Sir. I say that, on the pretext of restoring equality of opportunities to every one, the Hon'ble the Jenmi Member has introduced communalism of the worst character in this House, and on the pretext of restoring equality of status and equality of privilege, the Hon'ble the Jenmi Member is attempting to introduce and make permanent the worst form of oligarchical, exclusive, abusive privilege. Under the guise of a liberal reformer of the law, the Jenmi Member has prepared for us a reactionary trap. His aim is clearly to see that Cochin State is reserved for his own caste-men and not desecrated by the intrusion of anybody else. I am sure neither the Government Members nor any responsible non-official Member will countenance such a move. I, in conclusion, hope and expect that responsible gentlemen of all communities, irrespective of caste or creed, would show in no uncertain manner that they can turn down and will turn down this sort of attempt at introducing communalism and strife into this State. (*Hear, hear.*)

Dr. A. R. Menon.—Sir, it was my ambition to listen to the speech of one of the ablest Members of this House and to answer the points that he has raised. I am sorry that I was sorely disappointed to find that, after taking away the energy and the vehemence, there is very little that the Hon'ble Member has said to-day which has anything to do with the subject under discussion. As I understood it, the point was that the Jenmi Member, by bringing in a very reactionary measure, what is known as the Jenmi-Kudiyan Regulation, has exhibited to the world what a bad man he is, how evil-hearted he is, and that, since he is a bad man, the Bill that he introduces must inevitably be a bad one. That is the burden of the song of the

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speaker. I shall not try to dispute that point, and I shall not waste the time of this Council, though there is no time-limit so far as this subject is concerned. Yet, out of pure consideration to the patience of the Members, I shall not traverse the length that the Hon'ble Member has traversed but shall confine myself to the principles of this Bill and the reasons that prompted the Member to bring it and also the history of this Bill. Let me say at the very outset that the Jenmi Member, far from rushing through this Bill, listened to my own advice when I requested him, this House having decided to vote for the repeal of this clause, to wait for the new Council and replace it.

Mr. Thomas Manjuran.—That is said to be election tactics.

Dr. A. R. Menon.—General people think like that. I am not a business man. I am neither a professional business man nor a liar. I told him, "this is a question which primarily affects that community; and in this Council it so happens that there is a majority for the passage of this Bill, and it will be consistent with your self-respect and your sense of fair-play that another chance be given to the passage of this Bill in another Council." I just mention this fact so that the House may not think that the Jenmi Member, whatever he may be in other directions and his other activities, so far as this Bill is concerned, was actuated by any malicious motive that the Bill must be rushed through. In that case he would not have listened to my advice. And it is only fair to do that piece of justice to the mover of this Bill.

Now, to discuss the principle of this Bill. What is this Bill? Before considering that, I may tell the House that many of the arguments that will be used to-day will be the same as were used last year. As many of the Members are new to this House, this repitition will be excused.

Now, what is the principle of this Bill? The principle of this Bill is that, in the highest Court of this State, only test of competency, test of impartiality, test of character, test of legal erudition, should be the guiding principle in making this most onerous and honourable appointment in this State, and that the executive Government should not, under the circumstances, be hampered by any restriction in their field of choice. That is one principle. The second principle is, as the House is well aware, every day the House desires the establishment of absolute equality for all communities when the fund comes from the public purse. I understand that the Chief Court Judges are paid out of the public funds, and according to the great propagandists of social equality, that everything under the Sun, every-

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thing maintained out of public funds must be open to all,—I never said that, I never held that view—those who hold this view have no right simply to obstruct this measure. I have a right to obstruct because I never held that view. These gentlemen come here and proclaim every day in this House that absolute equality should be the guiding principle wherever public fund is utilised; I say they have no right whatsoever to come forward and say that a certain post which carries a salary paid out of public funds should be reserved to a particular caste. These are the two principles. One is according to their own principle. The other is a principle accepted by all civilised Governments. Let us see, as is our custom whenever we discuss any question, how things are moving on in the neighbouring States or in the British Government. We are sorry to find that there is not a single Government out of the nearly 400 Governments within the Indian Empire which observes this rule. There is no rule at all that a certain post must be filled only if you are born in a certain community. There is no such rule whatsoever.

Mr. Thomas Manjuran.—In Travancore there is a rule, Sir, that one of the Judges shall be a European.

Dr. A. R. Menon.—There is no such rule in Travancore, my friend. Whatever may be your eminence in these things you ought to study a little better. I think Mr. Krishnan Nayar was a Nayar. I never knew Karimpatt Raman Menon was a European.

Mr. Thomas Manjuran.—I can assert that it is not so. One of the Judges must be a European.

Dr. A. R. Menon.—You say there must be one European Judge. Oh, yes. That is a different matter. That is because only European Judges can investigate certain cases affecting the European population.

Mr. Thomas Manjuran.—Why?

Dr. A. R. Menon.—Why? That is an enactment of the British Government. You are entirely mistaken. Do you hold on the similarity that only a Christian can pronounce judgment upon a Christian in this State?

So far as the principle is concerned, there is no rule in any part of India similar to this. How this matter came in is a question which we need not consider because nobody is in a position to give a definite answer to that. Then let us consider whether such rules had existed before and such rules have been changed at the instigation of the Christian population themselves. If it could be proved that the Christians themselves were agitating—I am not saying that—and the changes were effected by the Christian populotion themselves, than we

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are entitled to call for a change and we are entitled to press it. In Travancore the Tahsildar was connected with the Devaswam Department also, and there was agitation against this most pernicious system, and the result has been that the Devaswam has been separated so that a Christian may enter into the Tahsildar's post. Similarly it may be in Cochin that such a change is to be effected and the Department separated. Again, if it is necessary that these what you call privileges enjoyed by a community, however inapt those privileges may be, if such privileges, longstanding, should be done away with, is it not proper, is it not right that similar privileges, however important they may be in olden times, should be made applicable to all? Or should it not be made applicable to all on the ground of ancient practice? Because it existed for a long time, that by itself does not constitute an argument for its continuance. Further, by this restriction, what do we notice? When the Government find that a choice of selection is restricted and no competent man is forthcoming, they are compelled to resort to people outside the State. I have heard many a time in this House, and I am second to none in my condemnation of importing these gentlemen into the State. But the Government is compelled to bring persons from outside. I have nothing but respect and veneration for the able Judges who came and adorned this Bench from Cochin State or outside, but I am just saying that the Government may not be able to find the man of choice in the State and they will have to resort to go outside.

Mr. A. B. Salem.—Why, Sir?

Dr. A. R. Menon.—To get competent men.

Mr. A. B. Salem.—Do not make aspersions to which you are not entitled. You are casting great aspersions upon the educated public of Cochin. I protest against that statement.

Dr. A. R. Menon.—What is the matter with this gentleman?

Mr. A. B. Salem.—Your random statement.

Dr. A. R. Menon.—They never listen; they never understand.

Mr. A. B. Salem.—You say that there are not competent men in the Cochin State. And the State is filled with more and more competent men. More than 30 Christian Vakils are practising in the Cochin State eminently. He casts aspersions upon everybody every time. We cannot bear this. We shall leave the House.

Dr. A. R. Menon.—Don't do that, please.

Mr. A. B. Salem.—What is the meaning of saying that there are no competent men available for service among the Christian people of Cochin?

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Diwan Bahadur Dr. V. Verghese.—All the people are not going to be made High Court Judges.

Mr. A. B. Salem.—There are competent men amongst us. We do not want medical opinion in thiseither.

President.—You can go on, Dr. Menon.

Dr. A. R. Menon.—What I said was, if it so happened, —I hope you understand English, do you— if it so happened that, in the opinion of the Government, there is no competent Christian gentleman in the Cochin State—and the competency is to be judged, as I understand, by the Government and not by the Members of this Council—if, in their opinion, such a state of affairs comes, they will have to go outside to get such men.

Mr. Thomas Manjuran.—Then will the sky fall down?

Mr. M. A. Chakko.—You convert one man to Christianity.

Dr. A. R. Menon.—How, Sir, by any stretch of my imagination, can I think that I have said anything objectionable or obnoxious to any legal Member in Cochin? I never said a word like that, and if anybody else had objected, I would have taken it seriously. But since it is done by the Member for Jews, I do not take it so seriously.

Mr. A. B. Salem.—We are only a very small minority. You need not care us.

Dr. A. R. Menon.—Well, I enunciated the principles of the Bill and tried to show how these principles were acted upon by this Government and the Travancore Government, and I quite appreciate the difficulties that stand in their way. Now, I have no doubt there are great difficulties in their way.

I can sympathise with persons who have enjoyed certain privileges for a long time. But there is also the other fact that other persons may demand the same privileges. But it is equally just and it will be right also. Therefore, I say that the same principle must be applied not only to this case but to all such cases. If all our Members have done all they have to do and have realised their responsibility, then I think there will not be so much trouble in this House. In the case of opening all temples, tanks and wells to all communities, the principle there is also the same whether it is right or wrong. By bringing a question of this sort, they themselves are not very serious in the matter. They simply bring forward such questions for the purpose of propagandist working and filling a few columns in the newspapers. If they realised the importance of such questions, then the Member for Jenmies has, I think, done a great service. Then I say a lot of trouble is over, and whatever may be the fate of this Bill to-day, there is no doubt that this Bill will be carried here irrespective of the thunderous threats uttered in a vehement and dramatic manner.

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Mr. Thomas Manjuran.—I did not threaten anybody.

Dr. A. R. Menon.—Now there are two things to be considered, *viz.*, the principle involved in the Bill and the expediency of the matter. So far as the principle is concerned, it is a sound one, but I do not think it is expedient to carry out this Bill at this moment. It is better to wait for some time, but nobody has said that the principle is impracticable. I may once more say that the principle is absolutely sound, and whether it is practicable, it is feasible, it is expedient, to carry this out is a question on which there may be difference of opinion. But I do not think there can be any great difference of opinion about the principle which indicates that nobody can claim for any post in the official service merely on the gound of birth. I have nothing to do with this matter. It is immaterial to me, and I am not a claimant for the post. I do not think that any Member will say that, because there is no Christian Judge in the Chief Court, justice will not be properly administered.

Mr. Thomas Manjuran.—Certainly not.

Dr. A. R. Menon.—If there is one white spot in this State, it is the absolute purity of justice that is administered and the impartiality and the legal erudition displayed by the Judges of the Chief Court. I defy any one to compare the judicial administration of the State with any other State in India. (*Hear, hear.*) Nobody will be able to cast a single slur on the judicial Heads. Therefore, the question of judicial impartiality and judicial fairness should not have been brought forward and should not have been thought of as the means to contribute such a remark even for the sake of argument. Perhaps it is not for me to suggest that the principle on which the appointment is made is absolutely unjust and unsound.

Mr. K. T. Mathew.—Sir, I rise to a point of order. I would invite your attention to the Cochin Legislative Council Manual, page 7, No. 8.

The point is that the Member can only bring this Bill after obtaining the sanction for the continuance of the Bill since two Sessions are already over.

President.—Was not this point raised on a previous occasion, Mr. Thomas?

Mr. Thomas Manjuran.—The question was raised in connection with another subject, but the Chair did not give a decided ruling.

Mr. V. K. Kochunni Menon.—The point raised was a quite different one.

President.—I over-rule the point of order.

മിസ്റ്റർ കെ. അയ്യപ്പൻ —ഒരു പ്രത്യേക സമുദായ ജഡ്ജ് ഇയായിരു

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നാൽ നീതിന്യായ വൈകല്യമൊന്നമില്ല എന്നു പറയുന്ന അഭി പ്രായത്തോടു ഞാൻ യോജിക്കുന്നില്ല. സാമാന്യനോക്കി യാൽ വെള്ളക്കാരും നാട്ടുകാരും തമ്മിൽ വർഗ്ഗീയമായുള്ള കേസുകളിൽ വെള്ളക്കാരൻ ജഡ്ജിയുടെ വിധി വെള്ളക്കാർക്കു അനുകൂലമായും ബ്രാഹ്മണരും അബ്രാഹ്മണരും തമ്മിലുള്ളതിൽ ബ്രാഹ്മണജഡ്ജിയുടെ വിധി ബ്രാഹ്മണർക്കനുകൂലമായും ഇരിക്കുന്നതായി അധികം കേസ്സുകൾ പരിശോധിച്ചാൽ കാണാം. ജഡ്ജിമാർ എത്രതന്നെ യോഗ്യന്മാരായിരുന്നാലും അവർക്കു സമുദായപ്രതിപത്തിയുണ്ടായിരിക്കാവുന്നതും അവരറിയാതെതന്നെ ചില നീതിന്യായ വൈകല്യങ്ങൾ വന്നുപോകാവുന്നതും ആണു്.

Dr. A. R. Menon.—I rise to a point of order. Is this reference proper? We are discussing the Cochin Chief Court Bill. Is it proper to cast a stigma on the decision of the Judges? I want a ruling on the point.

President.—We all know that nothing can be said about a matter which is *sub judice*. He is only giving statistics.

Mr. K. Ayyappan.—I am not referring to the Chief Court. What is the use of this Council if I am not allowed to discuss the matter?

President.—We are not discussing anything about the Chief Court Judges.

മിസ്റ്റർ കെ. അയ്യപ്പൻ.—ഞാൻ പറയുന്നതു് സമുദായമനസ്സാസ്മരിഞ്ഞവർ ഏവരും സമ്മതിക്കും. നീതിന്യായം ശരിക്കുനടത്തുന്നതിനു പ്രത്യേക ജഡ്ജിമാരെ കൊടുക്കേണ്ട ആവശ്യമില്ലെന്നുള്ള ഈ ബില്ലു് അവതരിപ്പിച്ചിട്ടുള്ള മാനിനു റോഡുകളിടേയും ഹോസ്റ്റലുകളിടേയും കായ്ത്തലിൽ ഇവിടെ കൊണ്ടുവന്നിട്ടുള്ള അപ്രമേയത്തെ പരിഹസിപ്പാനായി എല്ലാം എല്ലാവർക്കും എന്നൊരു ഭേദഗതി കൊണ്ടുവന്ന ഈ മെമ്പരാണു്.

മിസ്റ്റർ സി. എ. കുഞ്ഞുണ്ണിരാജാ.—അപ്രിൻസിപ്പിൾ തന്നെയാണു ഈ പ്രിൻസിപ്പിൾ.

മിസ്റ്റർ കെ. അയ്യപ്പൻ.—സമ്മതിച്ചു. പക്ഷെ പരിഹാസം മനസ്സിലാക്കുവാൻ മാത്രം ഞങ്ങളുടെ തലയിലും തലച്ചോറുണ്ടു്. ഇനി ഭൂമിയെല്ലാം യദുകുലയാ ഒരു കൂട്ടർക്കിടാ. അതു എന്നെന്നേക്കും നിലനിർത്തണമെന്നു ഈ മെംബർ വാദിക്കുന്നു. താൻ പറയുന്നതു അനീതിയാണെന്നു അദ്ദേഹത്തിനുതന്നെ അറിയാം. അദ്ദേഹത്തിന്റെ വാദം ഒരു സമുദായത്തിന്റെ ആവശ്യം, ജന്മിസമുദായത്തിന്റെ ആവശ്യം എന്നല്ലെ? ഈ ആപ്പിൾപഴം (apple of discord) ഇവിടെ എറിഞ്ഞതിൽ അദ്ദേഹത്തിന്റെ ഉദ്ദേശം കൂടിയാന്മാർ തമ്മിൽ തമ്മിൽ കലഹവും ഛിദ്രവും ഉണ്ടാക്കണമെന്നാണു്. കേവലം വാക്കുകളുടെ കസർത്തുകൊണ്ടു ആരുടേയും കണ്ണുമൂടുവാൻ വിചാരിക്കേണ്ട.

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ഒരു ക്രസ്ത്യൻ ജഡ്ജ് ആയിരിക്കുന്നതുകൊണ്ടു നീതിന്യായം ദുഷിക്കുന്നുണ്ടോ എന്നല്ലനോക്കേണ്ടത്. നീതിന്യായപരിപാലനത്തിന്ന സൌകര്യം കൂടുതലായിട്ടുണ്ടോ എന്നാണ്. മതത്തിന്റെയും ആചാരത്തിന്റെയും പേരിൽ അനാവശ്യമായി ജനങ്ങൾ ഭിന്ന സമുദായങ്ങളായി ഭാവിച്ചു നില്ക്കുന്നതിനെ മാറ്റുവാൻ ഈ ജന്മി മെംബർ തയ്യാറുണ്ടോ? അതിന്ന നിങ്ങൾ ശ്രമിച്ചാലും ശ്രമിച്ചില്ലെങ്കിലും ഞങ്ങൾ നിശ്ചയമായും ശ്രമിക്കും. ഞങ്ങളുടെ രാജ്യപ്രതിപത്തിയും ജനങ്ങളോടുള്ള സ്നേഹവും എല്ലാവക്കും ഒരു നിയമം ഒരു പ്രസ്ഥാനം എന്നീമാതിരി ആദർശങ്ങൾക്കുവേണ്ടി ശ്രമിക്കുവാൻ ഞങ്ങളെ സദാ പ്രോത്സാഹിപ്പിക്കും. ജന്മി മെംബർ എഴുന്നേറ്റ ഈ ആപ്പീലിപ്പഴം അദ്ദേഹംതന്നെ എടുത്തുകൊണ്ടുപോയാൽ സമുദായമത്സരം ഒന്നും ഉണ്ടാകാതെഇരിക്കാം. ഈ വക തകരാറുകൾ ഒന്നും ഉണ്ടാക്കിയിട്ടു യാതൊരു കാര്യവുമില്ല. അതുകൊണ്ടു ബുദ്ധിമാനും കാര്യവിവരമുള്ളയാളുമായ മെംബർ ഈ ആപ്പീൽ എടുക്കേണമെന്ന ഞാൻ അപേക്ഷിച്ചുകൊള്ളുന്നു.

Mr. C. J. Mathew.—Sir, I rise to oppose this motion. Of course there is no dispute that the principle, upon which the Hon'ble the Jenmi Member takes his stand, namely, that no person shall stand to gain by reason of his religion or birth, is one of the soundest and the most laudable. The Member may rest assured that I would be the last man to oppose this Bill, if, in all other cases of reservations as well, the same principle is sought to be applied. I dare say that we are all one with him in thinking that it is the soundest measure, that ought to be uniformally applied to all places. But, Sir, when the question of opening out all tanks and wells to all classes of people came up for consideration, he was not for the application of this measure there. If he could see eye to eye with me, I say that this principle, sound as it is, may be sought to be first introduced to places which are reserved to his own community. Again, Sir, the Hon'ble Member for Jenmies asked whether the Christians look upon this judgeship as a consolation prize. May I in turn ask him whether the place of the Sarvadhikariakar or the place of the Devaswam Commissioner is set apart as a consolation prize to his community? Sir, the Member for Trichur said that we should always appoint the best men as our Judges. Why should the theory of "best men" be confined to the Judges of the Chief Court? Without difference of caste or religion, get the *best men* for all posts in the State. We have no quarrel then. I dare say there are *competent and best men* in every community, and still certain places in the State will not be open to them. Do you mean to say that there is no person in the Ezhuva and Christian

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communities who are competent to serve as a Sarvadhikariakar or as a Devaswam Commissioner? Is it not denied to us to-day, since they are the consolation prizes of other communities? Again, may I ask, Sir, what does he say with regard to the State Military? Does he take it as a consolation prize reserved to the Nayar community? Are there are not strong-built persons in other communities also who can be given entrance to our State Military service? But the Hon'ble Member for Jenmies wishes to see only one particular post reserved to a certain community in the Judicial Department alone to be done away with by applying a very general principle. At the same time he does not want to change the reservations with regard to the posts of the Sarvadhikariakar, Devaswam Commissioner or the State Military. And here we smack bad blood at the back of the principle which is lofty enough. As it is, we find the Devaswam Commissioner becoming the Secretary to the Diwan or the Secretary to the Diwan becoming the Devaswam Commissioner. Let the Hon'ble mover open wide his eyes and see what a very great injustice this is. I ask the Jenmi Member why out of humanity he cannot try to remove these reservations to his own community first and then come and ask for the removal of the communal representation in the Chief Court. It is said that it is on the request and on the direction of the Hon'ble Member for Trichur that the Hon'ble Member for Jenmies did not proceed on with his Bill during the last Council. I do not think it is so. It was purposely put off as a sort of election tactics. I, therefore, request each and every Member of this House to see through the whole affair and vote against this Bill. The Hon'ble mover ought to know that charity begins at home and not elsewhere.

Mr. K. T. Mathew.—Under Standing Order No. 26, I move that the Council pass to the business next in order in the statement of business.

Dr. A. R. Menon.—I second it.

President.—The motion before the House is that under Standing Order 26 the House shall pass on to the next item.

Motion put and agreed to, Government remaining neutral.

The House rose for lunch at 2 p. m. and met again at 3 p. m. with the Deputy President in the Chair.

Bill to amend the Cochin Limitation Regulation.

Deputy President.—Mr. Kannan Nayar will move to introduce his Bill to amend the Cochin Limitation Regulation.

Mr. K. P. Kannan Nayar.—Sir, I beg to move that the Bill to amend the Cochin Limitation Regulation be read in Council.

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